

Remarks

In response to the Notice of Non-Compliant Amendment dated July 18, 2005, applicants have amended claim 1 to clarify that the invention is a cured composition on a fiber. In view of the above amendments and the following remarks, favorable reconsideration of the outstanding office action is respectfully requested.

§ 112 Rejections

In view of the above amendment to claim 1, applicants request reconsideration of the rejection of 1-10, 22, 45-48, 82, and 83 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards in the invention. Claim 1 has been amended to clarify that a cured coating is applied to the optical fiber. With respect to the Examiner's comments with respect to claim 2, applicants respectfully submit that claim 2 does not claim an additional strength additive, note that the claim recites "said strength additive further comprising".

§ 102 Rejections

In view of the above amendments, applicants respectfully traverse the rejection of claims 1-4, 6, 45, and 48 under 35 U.S.C. § 102(b) as being anticipated by JP402008803 A.

Claim 1 has been amended to require that the index of refraction of the coating composition be greater than that of the cladding of the optical fiber. Conversely, in JP402008803 A, the coating is the cladding of the optical fiber, and consequently cannot be greater than that of the cladding. Support for the amendment that the optical fiber coating composition has a refractive index greater than that of the cladding of the optical fiber can be found, for example, in US Patent No. 5,104,403, which was incorporated by reference in paragraph [0106] of applicants' specification.

In view of the above amendments, applicants respectfully traverse the rejection of claims 1-3, 5-7, 22, 45, 48, and 82 as being anticipated by U.S. Patent No. 5,146,531 (Shustack). Applicants have amended claim 1 to require that the strength additive containing a thiol functional group be less than 0.1 pph weight. No such coating is mentioned in Shustack.

§ 103 Rejections

Applicants respectfully traverse the rejection of claims 22 and 82 under 35 U.S.C. §103(a) as being unpatentable over JP402008803. As mentioned above, the claims have been amended to require that the primary coating composition exhibit a refractive index which is greater than that of the cladding. Conversely, JP402008803 discloses a composition in which the primary coating composition is the cladding of the optical fiber. There is no mention or suggestion that JP402008803 of an optical fiber having a coating composition thereon which exhibits a refractive index which is greater than that of the cladding.

Applicants respectfully traverse the rejection of claims 1-5, 8, 22, and 45-48 under U.S.C. §103(a) for obviousness over U.S. Patent No. 6,298,189 (Szum et al) in light of CA 21077448. Claim 1 has been amended to require that the strength additive contain a mono-functional thiol group or less than 0.5 pph of a multi-functional thiol group. No such strength additive is mentioned or suggested in any of the references cited.

Applicants respectfully traverse the rejection of claims 1-8, 22, 45, 48, and 82 under 35 U.S.C. §103(a) as being unpatentable over Shustack (5,146,531). Claim 1 has been amended to require that the strength additive contain a mono-functional thiol group or less than 0.5 pph of a multi-functional thiol group. No such strength additive is mentioned or suggested in Shustack.

In view of the amendments to the claims, applicants respectfully traverse the rejection of claims 1-10, 22, 45-48, 82, and 83 as being unpatentable over claims of the US Patent No. 6,559,197 for obviousness type double patenting. There is no mention or suggestion in the claims of US Patent No. 6,559,197 that would lead one of skill in the art to select a photo-polymerizable primary coating composition applied to said optical fiber, said composition having a refractive index which is higher than that of the cladding of the optical fiber, said composition comprising a non-thiol functional adhesion promoter and less than about 0.1 pph by weight of a strength additive containing a mono-functional thiol or less than 0.5 pph by weight of a multi-functional thiol group.

In view of the above amendments, applicants respectfully traverse the rejection of claims 1-8, 22, 45, 48, and 82 under 103 as being unpatentable over Shustack (5,146,531) in view of CA 2107448. Claim 1 has been amended to require that the strength additive contain a mono-functional thiol group or less than 0.5 pph of a multi-functional thiol group. No such strength additive is mentioned or suggested in any of the references cited.

All of the claims depend either directly or indirectly, from claim 1. Consequently, it is submitted that these claims are too in condition for allowance.

Conclusion

In view of the above, Applicants submit that the pending claims are in condition for allowance, and such allowance is earnestly solicited.

Applicants believe that no extension of time is necessary to make this Response timely. Should Applicants be in error, Applicants respectfully request that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Response timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Robert L. Carlson at (607) 974-3502.

Respectfully submitted,

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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8: I hereby certify that this paper and any papers referred to herein are being deposited with the U.S. Postal Service, as first class mail, postage prepaid, addressed to Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 26, 2005.



Robert L. Carlson, Signature